

## 7A Am. Jur. 2d Automobiles § 65

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### Automobiles and Highway Traffic

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### III. Licensing, Taxation, and Registration

#### A. Vehicles

##### 2. Power to License or Tax

###### b. Federal Limits on State Power

## § 65. Preemption by federal legislation

[Topic Summary](#) | [Correlation Table](#) | [References](#)

### West's Key Number Digest

West's Key Number Digest, Automobiles  23 to 27, 67 to 72

A state statute imposing an annual registration fee on trucks registered in the state which operate entirely in interstate commerce is not preempted by a federal statute requiring that interstate motor carriers obtain a federal permit, and providing that the imposition of any additional state registration requirement is a burden on interstate commerce, where the state statute makes no reference to the federal permit, no state rules related to the state fee require the filing of information about a federal permit, state law imposed a separate fee on interstate trucks with state plates before the federal permit statute existed, state law provides that an interstate truck with state plates can comply with federal requirements without complying with the state fee requirement, and although the state gives a discount in the amount of the federal fee for trucks that pay the state fee, such a connection does not transform the fee into a requirement concerning the federal statute.<sup>1</sup>

Federal legislation addresses commercial motor vehicle safety,<sup>2</sup> commercial motor vehicle operators,<sup>3</sup> and motor carrier safety.<sup>4</sup> In passing federal motor carrier laws, Congress did not intend to occupy completely the field of safety regulations for the operation on interstate highways of commercial vehicles, and indeed contemplated the continued application and enforcement of state rules or regulations which might not be inconsistent or incompatible with federal regulations.<sup>5</sup> In effect, Congress intended an accommodation with state regulation so long as that could be achieved without violating federal law or valid federal regulation.<sup>6</sup>

Footnotes

1 Mid-Con Freight Systems, Inc. v. Michigan Public Service Com'n, 545 U.S. 440, 125 S. Ct. 2427, 162 L. Ed. 2d 418 (2005) (applying federal and Michigan law).

2 49 U.S.C.A. §§ 31101 to 31151.

3 49 U.S.C.A. §§ 31301 to 31317.

4 49 U.S.C.A. §§ 31501 to 31504.

5 Specialized Carriers & Rigging Assoc. v. Com. of Va., 795 F.2d 1152 (4th Cir. 1986); Dixon v. Hot Shot Exp., Inc., 44 So. 3d 1082 (Ala. 2010).  
Federal motor carrier safety regulations are not intended to preclude states from establishing or enforcing state laws relating to safety, the compliance with which would not prevent full compliance with these regulations by the person subject thereto. *Brown v. Holiday Stationstores, Inc.*, 723 F. Supp. 396 (D. Minn. 1989).

6 Specialized Carriers & Rigging Assoc. v. Com. of Va., 795 F.2d 1152 (4th Cir. 1986).

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